IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.912 of 2007
GANESH PASWAN & ANR
Versus
THE STATE OF BIHAR & ANR
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3. 17.9.2008. This application has been filed against the order dated 5th May,2007 passed by Family Court, Aurangabad in Misc. Case No.54 of 2005/165 of 2006 thereby the petitioner no.1 has been directed to pay maintenance to the opposite party no.2 at the rate of Rs.1,000/- per month.

Heard the learned counsel for the petitioners.

The only submission of the learned counsel for the petitioners is that the petitioner no.1 is earning Rs.1200/- per month at Calcutta. The opposite party no.2 is not willing to live at ancestral house. The petitioner is not in a position to keep his wife at Calcutta.

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Considered the submission of the learned counsel for the petitioners. Perused the impugned order. On perusal of the impugned order, it appears that the court below has not given sufficient finding with regard to the income of petitioner no.1. On the other hand, it has come in the evidence that the petitioner is working as Labourer in Calcutta.

Thus, having regard to the facts and circumstances, it is quite apparent that the petitioner is not able to pay the maintenance at the rate of Rs.1,000/-. Having regard to the income of petitioner no.1, I am of the view that in the interest of justice, the amount of maintenance awarded by the court below is required to be interfered.

Accordingly, the petitioner no.1 is directed to pay maintenance of Rs.600/- per month from the date mentioned in the impugned order instead of Rs.1000/- per month.

Accordingly, this application is dismissed with above modification in the quantum of sentence.

N.H./

( Ghanshyam Prasad )

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